

11-08-05

ifw

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/696,384
	Filing Date	October 29, 2003
	First Named Inventor	Mahesh Chaubal
	Art Unit	1615
	Examiner Name	Simon Oh
Total Number of Pages in This Submission	Attorney Docket Number	IFT-5657A-1A1C6 (3360.0003.02)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Forms PTO/SB/08A and /08B - 40 cited references - Certificate of Mailing - Return Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.		
Signature			
Printed name	Raymond M. Mehler		
Date	November 7, 2005	Reg. No.	26,306

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Barbara Gesiakowski	Date	November 7, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

American LegalNet, Inc.
www.USCourtForms.com



PATENT
Attorney Docket No. IFT-5657A-1A1C6 (3360-0003.02)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)

Mahesh Chaubal et al.)

Serial No.: 10/696,384)

Filed: October 29, 2003)

Group Art No.: 1615)

Examiner: Simon Oh)

For: PROCESS FOR PRODUCTION OF)
ESSENTIALLY SOLVENT-FREE)
SMALL PARTICLES)

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label No. EV643274635US

Date of Deposit November 7, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450

NAME Barbara Gesiakowski

SIGNATURE B. Gesiakowski

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing Under 37 CFR 1.10

I hereby certify that the correspondence listed below is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, **Label No. EV 643274635 US** under 37 CFR 1.10 on **November 7, 2005** and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

1. Transmittal Form PTO/SB/21 (1 sheet);
2. Information Disclosure Statement (3 sheets);
3. PTO/SB/08A and /08B (4 sheets);
4. Foreign Patent Documents and Non-Patent Publications (40 Documents)
5. Certificate of Mailing (1 sheet); and
6. Return Receipt Postcard.

Name: Barbara Gesiakowski

Signature: B. Gesiakowski



PATENT

Attorney Docket No. IFT-5657A-1A1C6 (3360-0003.02)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)

Maresh Chaubal et al.)

Serial No.: 10/696,384)

Filed: October 29, 2003)

Group Art No.: 1615)

Examiner: Simon Oh)

For: PROCESS FOR PRODUCTION OF)
ESSENTIALLY SOLVENT-FREE)
SMALL PARTICLES)

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label No. EV643274635US

Date of Deposit November 7, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450

NAME Barbara Gesiakowski

SIGNATURE B. Gesiakowski

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.97, Applicants hereby call the Examiner's attention to documents listed on the attached forms, which documents may be material to the examination of this application. It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue

therefrom.

Copies of the U.S. patents and U.S. patent publications are not enclosed pursuant to the Office's waiving of the requirement under 37 C.F.R. §1.98, paragraph (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication. Copies of the foreign patents and publications other than U.S. patents and U.S. patent application publications are enclosed, pursuant to 37 C.F.R. 1.98(2)(i) and (2)(ii).

No inference should be drawn that any apparatus or method disclosed is equivalent to the subject invention. Also, the citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

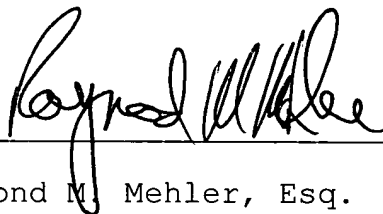
Applicants also respectfully reserve the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

This Information Disclosure Statement is being submitted within three months of the filing date of the application or before the receipt of a first Office Action on the merits. Consequently, as provided in 37 C.F.R. § 197(b)(1) or (b)(3), a fee under § 1.17(p) is not required for the filing of this information disclosure. However, if it is determined that an additional fee is required, then authorization is hereby granted to charge Deposit Account 50-1039 any additional fee required. (A duplicate of this document is enclosed herewith.)

Respectfully submitted,

Date: November 7, 2005

By:

A handwritten signature in black ink, appearing to read 'Raymond M. Mehler', written over a horizontal line.

Raymond M. Mehler, Esq.
Registration No. 26,306
Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.
200 West Adams St., Suite 2850
Chicago, IL 60606
Telephone: (312) 236-8500
Attorneys for Applicant

PTO/SB/08a (07-05)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
to a collection of information unless it contains a valid OMR control number

Under the Paperwork Reduction Act of 1995 no Persons are required to respond to a collection of information unless it contains a valid OMR control number

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

2

of

4

Complete if Known

Application Number	10/696,384
Filing Date	October 29, 2003
First Named Inventor	Mahesh Chaubal
Art Unit	1615
Examiner Name	Simon Oh
Attorney Docket Number	IFT-5657A-1A1C6 (3360-0003.02)

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Appear, etc.	T ⁵
		Country Code ³ "Number" ⁴ "Kind Code" ⁵ (if known)				
	18	EP 0275 796 B2	07-27-1988	Centre Nat Rech Scient		
	19	EP 0498 482 B1	08-12-1992	Sterling Winthrop Inc		
	20	EP 0517 565 B1	12-09-1992	Fidia Sfa		
	21	JP H2-306902	12-20-1990	Harmari Sangyo		
	22	Patent Abst of JP H2-306902	12-20-1990	Harmari Sangyo		
	23	WO 92/17214 A2	10-12-1992	Ranney		
	24	WO 94/07999 A1	04-14-1994	Univ Brown Res Found		
	25	WO 95/33488 A1	12-14-1995	Quadrant Holdings Cambridge Ltd		
	26	WO 97/03651 A1	02-06-1997	Danbiosyst UK		
	27	WO 98/01162 A2	01-15-1998	Univ Johns Hopkins		
	28	WO 98/14170 A1	04-09-1998	Sloan Kettering Inst		
	29	WO 98/24450 A1	06-11-1998	Nilsson		
	30	WO 99/00113 A1	01-07-1999	Vivorx Pharmaceuticals Inc		
	31	WO 99/39700 A1	08-12-1999	Vectorpharma SPA		
	32	WO 99/59550 A1	11-25-1999	Liposome Co.		
	33	WO 00/06152 A1	02-10-2000	Novopharm Biotech Inc		
	34	WO 01/21154 A2	03-29-2001	RTP Pharma Inc		
	35	WO 02/82074 A1	10-17-2002	Chiron Corp		
	36	WO 02/80678 A1	10-17-2002	Schering Corp		
	37	WO 03/45330 A2 & A3	06-05-2003	Onyuksel et al.		
	38	WO 03/45660 A1	06-05-2003	BTG Int Ltd		
	39	WO 04/103348 A3 & A3	12-02-2004	Baxter International		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

Under the Paperwork Reduction Act of 1995 no Persons are required to respond to a collection of information unless it contains a valid OMR control number.

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/696,384
Filing Date	October 29, 2003
First Named Inventor	Mahesh Chaubal
Art Unit	1615
Examiner Name	Simon Oh
Attorney Docket Number	IFT-5657A-1A1C6 (3360-0003.02)

Sheet 3

of

4

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	40	ALLEN, T.M. et al., "Large unilamellar liposomes with low uptake into the reticuloendothelial system", Elsevier Science Publishers B.V., Vol 223, No. 1, pp. 42-46, October, 1987.	
	41	ALLEN, T.M. et al., "Effects on the murine mononuclear phagocyte system of chronic administration of liposomes containing cytotoxic drug or lipid A compared with empty liposomes", Vol 65, pp. 185-190, 1987.	
	42	AQUARO, et al. Antiviral Research 55, pp. 209-225, 2002.	
	43	BENDER et al., "Efficiency of Nanoparticles as a Carrier for Antiviral Agents in Human Immunodeficiency Virus-Infected Human Monocytes/Macrophages In Vitro", Antimicrobial Agents and Chemotherapy, 40(6), pp. 1467-1471, June 1996.	
	44	CROWE, et al., Journal of Leukocyte Biology, pp. 635-641, November 2003.	
	45	FISCHER-SMITH, et al., Journal of NeuroVirology, 7, pp. 528-541, 2001.	
	46	GRAHAM, D.T., et al., "The Effects of Freezing on Commercial Insulin Suspensions", International Journal of Pharmaceutics, 1978.	
	47	KINMAN et al., Journal of Acquired Immune Deficiency Syndrome, 34(4), pp. 387-397, December 1, 2003.	
	48	LIMOGES et al., poster presentation, 11th Conference on Retroviruses and Opportunistic Infections, February 8-11, 2004.	
	49	MOGHIMI et al., Pharmacological Reviews, 53, pp. 283-318, 2001.	

Examiner
SignatureDate
Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995 no Persons are required to respond to a collection of information unless it contains a valid OMR control number.

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/696,384
Filing Date	October 29, 2003
First Named Inventor	Mahesh Chaubal
Art Unit	1615
Examiner Name	Simon Oh
Attorney Docket Number	IFT-5657A-1A1C6 (3360-0003.02)

Sheet

4

of

4

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	50	NESBIT et al., Clinical and Diagnostic Laboratory Immunology, 9(3), pp. 515-524, May 2002.	
	51	NOTTET et al., The Neurology of AIDS, p. 55, 1998.	
	52	PERNO et al., The Journal of Infectious Diseases, 178, pp. 413-422, 1998.	
	53	SAWCHUK et al., Advanced Drug Delivery Reviews, 39, pp. 5-31, 1999.	
	54	SCHROEDER, H.G., "Distribution of Radiolabeled Subdivisible Microspheres after Intravenous Administration to Beagle Dogs", Journal of Pharmaceutical Sciences, Vol 67, No 4, pp. 504-507, April 1978.	
	55	SHRAYER, D. et al., "Ceramide, a mediator of apoptosis, synergizes with paclitaxel to induce regression of the L3.6 human pancreatic carcinoma implanted in SCID mice", Journal of Clinical Oncology, Vol 22, No 14S (July 15 Supplement), 2004: 2135.	
	56	SOLAS et al., Antimicrobiology Agents and Chemotherapy, 47 (1), pp. 238-243, January 2003.	
	57	VON BRIESEN, H., "Controlled Release of Antiretroviral Drugs", AIDS Rev., 2, pp. 31-38, 2000.	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.